IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 554 OF 2006

MR. CRUZ VIEGAS AND 4 ORS. ... Petitioners
Versus
STATE OF GOA AND 4 ORS. ... Respondents

Mr. E. Dias, Advocate with Mr. A. F. Naik, Advocate for the petitioner.
Mr. S.R. Rivonkar, GA for Respondent Nos. 1 and 2.
Mr. A. F. Diniz, Advocate for Respondent nos. 3 and 4.

Coram:- R. S. MOHITE &
N. A. BRITTO, JJ.

Date:- 2nd July, 2007

P.C.:-

This is a Public Interest Litigation filed by the petitioner seeking demolition of encroachment on property bearing survey no.,57/3A of village Deussua in Taluka Tiswadi.

Advocate for Respondent Nos.1 and 2 states that the encroachment is in fact situated in plot no.57/3A. The said plot has not been mentioned in the final award of the acquisition. He however states that the respondent no.4 has accepted compensation in respect of said acquisition.

Advocate for the respondent no.4 states that the entire compensation with interest at the rate of 6% p.a. will be returned to the respondent no.2 within a period of six weeks from today. On repayment being made, the respondent no.2 will accept the compensation and pay it to whom it is due. It is made clear that it is open to the State to reacquire the land if the same is required for a public purpose. The advocate for the respondent no.4 states that his compound wall is damaged. He is at liberty to file a separate proceeding for damages.

In view of the above, we are not inclined to entertain this petition. If any claim is made for damages that will be decided on its own merits.

Petition is disposed of.

R. S. MOHITE, J.

N. A. BRITTO, J.

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